

# **FINAL**

## **ENVIRONMENTAL DOCUMENT**

Section 300 (Upland Game Birds), Title 14, California Code of Regulations



August 6, 2014

State of California  
Natural Resources Agency  
Department of Fish and Wildlife

## TABLE OF CONTENTS

I.	Introduction.....	1
II.	Project Description.....	1
III.	Intended Uses of the Document.....	1
IV.	Regulatory and Environmental Setting.....	2
V.	Impact Significance Analysis.....	3
VI.	Potentially Feasible Mitigation Measures.....	7
VII.	Potentially Feasible Alternatives.....	7
VIII.	Response to Public Comment Regarding the Proposed Project.....	8

## **I. Introduction**

The California Department of Fish and Wildlife proposes 6 changes to upland game bird hunting regulations for the 2014-15 hunting seasons. In general, these changes update previous tag quotas for restricted hunts (Sage Grouse), provide for increased hunter opportunity (Mourning Dove and Eurasian Collared Dove), conform to changes in administrative procedures regarding limited entry drawings, or correct editorial mistakes in existing regulations.

## **II. Project Description**

The proposed project being considered consists of the following modifications to existing upland game bird hunting regulations:

Proposal 1: Adjust annual number of sage grouse hunting permits by zone;

Proposal 2: Administrative changes in subsection 300(a)(1)(D)5. to include the application procedures for sage grouse permits under the Automated License Data System (ALDS);

Proposal 3: Re-establish a late archery-only season following the general season, and extend the season for an additional 28 days to allow for more pheasant hunting opportunity on private lands and Type C wildlife areas;

Proposal 4: Open Eurasian collared-dove season year-round statewide;

Proposal 5: Increase the maximum daily bag limit from 10 to 15 for mourning and white-winged doves in aggregate, of which no more than 10 may be white-winged doves;

Proposal 6: Editorial changes to identify Eurasian collared-dove, spotted dove, and ringed turtle-dove as resident game bird species.

## **III. Intended Uses of the Document**

The California Environmental Quality Act (CEQA) requires all public agencies in the State to evaluate the environmental impacts of projects they approve, including regulations, which may have a potential to significantly affect the environment. CEQA review of the proposed project will be conducted in accordance with the Commission's certified regulatory program (CRP) approved by the Secretary for the California Resources Agency pursuant to Public Resources Code section 21080.5 (See generally Cal. Code Regs., tit. 14, §§ 781.5, and 15251, subd. (b).). The Department has prepared this Environmental Document (ED) which is the functional equivalent of an Environmental Impact Report, on behalf of the Commission in compliance with this requirement. The

ED provides the Commission, other agencies, and the general public with an objective assessment of the potential effects.

In addition, pursuant to Section 15087 of the CEQA Guidelines, this environmental document is available for public review for 45 days. During the review period, the public is encouraged to provide written comments regarding the environmental document to the Department of Fish and Wildlife, Wildlife Branch, 1812 9th Street, Sacramento, California 95811. Comments must be received by the Department by 5:00 p.m. on June 16, 2014.

#### **IV. Regulatory and Environmental Setting**

Migratory upland game birds are managed under the provisions of the Migratory Bird Treaty Act of July 3, 1918 (40. Stat. 755:16 U.S.C. 703 et seq.), Federal regulations [50 CFR 20 (C)(K)(L)], as well as California statutes (Fish and Game Code sections 355 and 356) and regulations selected by the Commission.

The regulations governing the take of upland game birds in California are selected by the Commission and, in the case of migratory upland game species, forwarded to the Service each year. The regulations selected by the Commission must be within frameworks established by the Service through the following generalized three-step process:

1. The Service, with assistance from the states, assesses the status of migratory game bird populations;
2. The Service establishes regulatory frameworks;
3. The Commission makes and forwards season selections to the Service regarding regulations for California; and
4. The Service and the State adopt the final regulations. The Federal frameworks specify the outside dates, total number of hunting days, bag limits, shooting hours, and methods of take authorized for migratory game birds. Proposals selected by the Commission cannot be more liberal than the frameworks established by the Service (Fish and Game Code, Section 355).

The proposed regulatory changes identified in Attachment A generally affect activities normally conducted in rural settings including, but not limited to, private farm, grazing, and timber lands; federal lands including US Forest Service, BLM, and military installations; state-owned lands including wildlife areas and other lands legally open to hunting.

## **V. Impact Significance Analysis**

### Proposal 1: Adjust annual number of sage grouse hunting permits by zone.

Existing regulations in subsection 300(a)(1)(D)4 provide for the number of sage grouse hunting permits in the East Lassen, Central Lassen, North Mono, and South Mono zones. For the 2014-2015 season the Department has proposed a range of permits from which a final number of permits will be determined, based on spring lek counts. Ranges are necessary at this time because the final number of permits cannot be determined until spring lek counts are conducted in April. Current regulations provide permit numbers for sage grouse based on population estimates from 2013 and need to be updated to reflect 2014 estimates.

The Department will continue to conduct intensive breeding population surveys in spring 2014, whereby male sage grouse are counted on all known leks in California, including leks both within hunt zones and in non-hunted areas. These lek counts are used to estimate population size and a population model expands the count of males to predict the size of the fall population. The Department will use these data to determine the number of sage grouse hunting permits, to be recommended for 2014, within the following ranges:

- 0-50 permits for both Lassen zones (these are two-bird permits), and
- 0-100 permits for both Mono zones (these are one-bird permits).

The numbers of permits ultimately recommended for each hunt zone will be based on the following criteria:

- a. Size and trend of the spring breeding population in each hunt zone based on lek counts conducted in March and April;
- b. The allowable harvest level will not exceed 5% of the predicted fall population;
- c. If the allowable harvest in any zone provides for a minimum number of permits to be recommended in any zone of 5 permits or less, no permits will be recommended for that zone.

In March, 2010 the United States Fish and Wildlife Service (USFWS) determined that Greater sage grouse were “warranted, but precluded” for protection under the Endangered Species Act (ESA) both statewide and as a Distinct Population Segment (DPS) in Mono County. Hunting was not identified as a high risk factor in this finding and it does not preclude states from continued hunting. A proposed rule is scheduled on the range-wide finding in 2015.

In October 2013, the USFWS further proposed that the Bi-State DPS should be listed as threatened under the ESA, with a final ruling scheduled for October 2014, following the 2014 hunting season. If this proposal becomes a final rule later this year, the threatened status of the Bi-State DPS would preclude future hunting.

The risks to sage grouse are largely habitat-based. Limited quota hunting based on the criteria identified above will have no impact to the overall population of Greater sage grouse in California.

Proposal 2: Administrative changes in subsection 300(a)(1)(D)5. to include the application procedures for sage grouse permits under the Automated License Data System (ALDS).

No environmental impact - change is administrative in nature only and will not impact current drawing procedures for sage grouse hunting permits.

Proposal 3: Re-establish a late archery-only season following the general season, and extend the season for an additional 28 days to allow for more pheasant hunting opportunity on private lands and Type C wildlife areas.

Current regulations provide for a 23-day early pheasant archery season under subsection 300(a)(2)(A)1.a. and a 44-day general pheasant archery season under subsection 300(a)(2)(A)1.b. The 23-day early archery season was established in 2013 and the general archery season was also reduced at that time from 60 days to 44 days, coinciding with the general pheasant season. This regulation change shifted archery-only hunting to occur before the general season and allowed archers better hunting opportunity. The net result was an increase of six more overall days of archery-only hunting. This change was made based on a proposal by the California Bowman Hunters (CBH). After the regulatory change went into effect, a segment of the public responded that they preferred the later season. This proposal re-establishes a later pheasant archery season to allow for opportunity both before and after the general pheasant season.

Pheasant harvest has declined significantly over the past 15 years, particularly on public areas open to hunting. Declines in pheasants in the Central Valley are considered to be the result of landscape loss of habitat primarily from changes in farming practices, including cleaner farming and large-scale flooding for rice decomposition. West Nile Virus is not thought to be a significant pathological problem for pheasants. The Department does not believe that the limited number of people hunting pheasants with archery equipment would have any additional impact to pheasant populations before or after the general season.

However, because of the large decline in pheasant harvest and great interest in pheasant hunting on state and federal areas, the Department does not recommend changes to current regulations that do not permit the use of archery equipment during the pheasant and waterfowl seasons on Type A and B Wildlife Areas (Title 14, Sections 550, 551). The early archery season allows archers some of the best opportunity for pheasant hunting before the general season opener and the Department is concerned about preserving the quality of the general pheasant season on these areas. Therefore, this proposed regulation will apply to private lands and Type C wildlife areas only, preserving pheasant hunting opportunities on high use public areas for the general season.

Proposal 4: Open Eurasian collared-dove season year-round statewide.

The existing statewide season for Eurasian collared-dove under subsection 300(b)(1)(B)1. is 45 days, similar to mourning and white-winged doves, but with no bag or possession limits. In 2013, Eurasian collared-dove season was opened on an all year basis in Imperial County under subsection 300(b)(1)(C). The Department proposes to extend the all year open season for Eurasian collared-dove to apply statewide.

The Eurasian collared-dove is a resident, non-native invasive species not covered under the Migratory Bird Treaty Act and may be regulated by the State outside the established Federal framework for management of migratory species. Since their expansion west from Florida in the 1980s, Eurasian collared doves have colonized the southern states in great numbers to the detriment of native species (Fuller 2013). Following their expansion in these states, regulations for take have become very liberal with nine of the 13 states allowing Eurasian collared-dove hunting year-round with no bag limit. Utah does not require a hunting license for the take of Eurasian collared-doves.

The year-round season was established in Imperial County in 2013 as a pilot program to allow the Department to identify and resolve potential enforcement problems before expansion on a statewide basis. These concerns included misidentification of species with native doves and shooting near human occupied structures, which these birds often inhabit. Imperial County was selected because it attracts a large number of hunters from the Los Angeles and San Diego areas and has large areas of open land conducive to hunting. It is also the heaviest colonized area for Eurasian collared-doves in the State.

Because no significant enforcement concerns were encountered in 2013, the Department is recommending the all year season on a statewide basis.

Proposal 5: Increase the maximum daily bag limit from 10 to 15 for mourning and white-winged doves in aggregate, of which no more than 10 may be white-winged doves.

Existing regulations under subsection 300(b)(1)(B)2. set the daily bag limit for mourning dove and white-winged dove at ten (10) and the possession limit at triple the daily bag limit in aggregate.

Under the Migratory Bird Treaty Act, the USFWS is authorized to determine when hunting of migratory game birds can take place in the United States and to adopt regulations for this purpose. The USFWS sets migratory game bird hunting regulations by establishing the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting.

The Pacific Flyway Council (composed of the director or an appointee from the public wildlife agency in each state and province in the western United States, Canada, and Mexico) works with the USFWS to develop regulations for migratory birds in the United States west of the Continental Divide. The recommendation

from the Pacific Flyway Council at the March 11, 2014, meeting was for the “Standard” regulatory alternative as prescribed by the Mourning Dove Harvest Strategy for doves in the Western Management Unit. In California, the daily bag limit for the Standard alternative is 15 mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

Mourning dove harvest strategies were endorsed by the Flyway Councils and Service Regulations Committee in 2013 for each of the three Management Units (Eastern, Central, and Western), with implementation beginning in 2014. These new strategies represent a more informative approach to managing harvest of mourning doves as envisioned in the Mourning Dove National Strategic Harvest Management Plan approved by the Flyway Councils in 2003. The harvest strategies for each Management Unit share a common assessment framework as follows:

- a. Discrete logistic model to estimate population parameters (intrinsic rate of growth, carrying capacity) and predict population abundance in the year subsequent to the data time series;
- b. Critical abundance thresholds based on 30 percent and 50 percent of approximated;
- c. 85 percent confidence that the predicted abundance exceeds the critical threshold that would trigger that regulatory change;
- d. Standard, restrictive, and closed regulatory alternatives consistent in daily bag limit.

This new framework increases the daily bag for mourning doves from 10 birds per day to 15 in the Standard season. Season lengths are increased from 30 to 60 days in the northern states and remain unchanged in southern states. Between 2006 and 2011, harvest rates, estimated from banding, ranged between 3 percent and 5 percent for mourning doves under the current 10-bird daily bag regulations. For an abundant habitat generalist like mourning doves, this harvest rate is low. The 15 bird bag limit for the Standard season is unlikely to raise harvest rates beyond the range of sustainability. Nevertheless, this proposed harvest strategy is not based on assumptions; it includes yearly monitoring of both harvest rate and population size. Should harvest rates increase to a level deemed harmful or population size decline below established thresholds, the strategy reduces harvest of mourning doves. This strategy does not affect bag limits or season lengths for white-winged doves in place under the previous harvest strategy.

Proposal 6: Editorial changes to identify Eurasian collared-dove, spotted dove, and ringed turtle-dove as resident game bird species.

Changes are administrative in nature to provide consistency with FGC §3500 and 3683 and correct omissions of necessary text (adding text to subsection 300(a)(1)(C) specifying: Species, 2. Seasons, 3. Daily Bag and Possession Limits and adding a new subparagraph to 300(a)(2)(C) specifying: 3. Area: Statewide.). Changes are administrative in nature only with no environmental



impact(s).

## **VI. Potentially Feasible Mitigation Measures**

The modifications proposed are to provide for hunter opportunity, reduce the population of a non-native, invasive species and conform with current administrative procedures. Based on the information provided in Section V, above, the Department concludes that the proposed project and existing hunting regulations will not cause significant adverse effects on upland game bird species population and that no additional mitigation is required.

## **VII. Potentially Feasible Alternatives**

Alternative 1. No project – no change from the 2013-2014 hunting regulations.

This alternative provides identical season and bag limit regulations as the 2013-2014 seasons. Under this alternative all season length and bag limits would remain the same as the current hunting regulations. Also, the year-round take of Eurasian Collared dove would be restricted to Imperial County.

It is unlikely that significant irreversible impacts would occur immediately or statewide as a result of selecting the no change alternative. However, the no change alternative is not recommended because it does not provide hunting opportunities based on current population goals and levels. Accordingly, this alternative was not recommended.

Alternative 2. Reduced Season Lengths, Season Timing and Bag Limits.

Selection of Alternative 2, reduced season lengths, timing and bag limits, would reduce total harvest, although the magnitude of this reduction is not precisely predictable nor in the case of the Eurasian Collared dove even desirable.

Selection of this alternative might lead to a greater decline in participation by hunters. The reductions in the number of days that upland game bird species could be hunted might not be deemed to be worth the costs of licenses, stamps, travel, and entry fees. A reduction in hunter participation would result in reduced revenues to the Department and the Service which are used to acquire, manage, and maintain vital habitats. If the reduced season length resulted in a lower hunting harvest and hunting mortality was additive to natural mortality, an increase in some populations of upland game bird species would be possible. However, the Department concludes that this alternative alone would not result in a significant increase in upland game bird species numbers in future years.

## **VIII. Response to Public Comment Regarding the Proposed Project**

In accordance with CEQA, public input and agency consultation were encouraged during the environmental review process. A Notice of Preparation (NOP) was provided to the State Clearinghouse, land management agencies having a key role in upland game bird management, and all individuals and organizations that expressed an interest in upland game bird management. No comments were received as a result of the NOP circulation.

The Department prepared a Draft Environmental Document (DED) for the Fish and Game Commission regarding the proposed regulation changes for Section 300. The DED was made available for public review through the State Clearinghouse on March 26, 2014 with SCH# 2014032082. The DED was either emailed or letters were sent to every county library for public posting and notice of availability of the DED. Additionally, the DED was either emailed or letters were sent to parties that have previously expressed an interest in upland game bird management and regulations. A public scoping meeting was held at the Department's 1812 9<sup>th</sup> St. office in Sacramento on April 23, 2014. The Commission received no written or oral comments by any parties during the DED review process. The Commission received a letter from the State Clearinghouse on June 16, 2014, indicating that no agencies had submitted comments by June 13, 2014 when the review period closed.

The DED examined a variety of alternatives and every effort was made to avoid unbiased analysis of issues. The proposed project was recommended by the Department because it provided the public with the widest range of recreational opportunities related to upland game bird populations either statewide or locally, while avoiding any potential environmental impacts.